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C O N F I D E N T I A L THE HAGUE 002641

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STATE FOR L/LEI AND EUR/UBI
JUSTICE FOR OIA/JFRIEDMAN

E.O. 12958: DECL: 12/19/2016

TAGS: [PTER](#) [PREL](#) [CJAN](#) [CVIS](#) [KCRM](#) [NL](#)

SUBJECT: DUTCH COURT OK'S TERROR SUSPECT'S EXTRADITION

REF: THE HAGUE 2225

Classified By: Charge d'Affaires Chat Blakeman for reasons 1.4 (b) & (d)
)

11. (C) Summary. A District Court in The Hague cleared the way for the extradition of terror suspect Wesam Al Delaema when it rejected his final appeal today. Al Delaema, a Dutch citizen of Iraqi extraction, is the first person to be charged in the United States for terrorism in Iraq. The FBI hopes to transport him to the United States in early January.
End Summary.

12. (C) Justice Minister Hirsch Ballin approved Al Delaema's extradition on October 11, but the case has been under appeal since. Al Delaema is charged with conspiracy to kill U.S. citizens and bomb U.S. property in connection with attacks on U.S. military personnel in Iraq in 2003. His lawyer appealed Hirsch Ballin's decision, claiming that his client would not receive a fair trial in the United States. In its December 19 ruling, the District Court dismissed that claim and echoed the strong defense of the U.S. legal system that Hirsch Ballin had made in approving the extradition.

13. (C) Recent parliamentary debate on U.S. detainee policies and the Al Delaema case in particular have heightened political sensitivities around this case. We are working with the Dutch to make sure they are comfortable with our plans to transport him to the United States on an FBI aircraft rather than a commercial flight.

14. (C) Comment. The Dutch Justice Ministry has steadfastly backed our extradition request. Despite the intense parliamentary debate, Hirsch Ballin and several judges strongly defended the U.S. judicial system and the decision to hand Al Delaema over to U.S. courts. The result is a victory for justice. End Comment.
BLAKEMAN